

EXHIBIT 6

DATE: September 28, 2003.
TIME: 3:44 a.m.
PLACE: Area B2, Detective Room.
PARTICIPANTS:

Detective O'Brien
Officer Steve Canto
Anthony Charley

DET. O'BRIEN: - tape recorder you but before I do that -

ANTHONY CHARLEY: You did that before when um -

DET. O'BRIEN: Yes. I did it before when I spoke to you.
This is so that there's no disagreement on
what was said.

This is the Boston Police Department Miranda
warning. You're Anthony Charley, 32 Bowdoin
Ave., apartment 21. It's September 28, 2003,
it's 3:44 a.m.

Before I - we ask you any questions you must
understand your rights.

You have the right to remain silent.

Anything you say can be used against you in a
court of law or other proceedings.

You have the right to talk to a lawyer for
advice before we ask you any questions and to
have him or her with you during questioning.

If you cannot afford a lawyer and you want one, a lawyer will be provided for you by the Commonwealth without cost to you.

If you decide to answer questions now without a lawyer present you will still have the right to stop answering at any time until you talk to a lawyer. I, and that would be you, Anthony Charley, have read and understand the above rights explained to me. And I'm Detective O'Brien, you know who I am.

I'm going to have you read these and at the end of each right that you have, just put your initials that you understand them.

Okay? And then I'm just going to ask you what happened tonight and then we'll go over that. I want you to sign right here.

So just take your time. Initial - where it says initials? See, you have the right to remain silent. If you understand it, place your initials. Anything you say, after each right, read it. If you understand put your initials.

If there's anything, you don't understand let me know and I'll explain it to you. And if you don't wish to talk to us we'll just conclude the interview here. All right?

ANTHONY CHARLEY: I mean - I mean uh, what happening what I did with attorney?

DET. O'BRIEN: The truth is the truth. Just remember to put your initials in each box here.

ANTHONY CHARLEY: I mean, do the same thing. Like this?
(Inaudible.)

DET. O'BRIEN: Well, yes. You are talking so you have to put your initials here. Each, blank spot your initials.

Yes. We talked to Earl. I can't tell you what Earl said or didn't say.

ANTHONY CHARLEY: When I told -

DET. O'BRIEN: I'm just going to say this. What Earl told us, he told us the truth.

ANTHONY CHARLEY: Tell you the truth and not say -

DET. O'BRIEN: And he - and he said that you would tell us the truth. and that's fine. Because will be all (unintelligible) there.

All right. This is the um, alright, my name is Detective O'Brien. I'm going to speak to Mr. Charley now. He has signed his waiver form.

Present is Officer Steve Canto. I'm going to ask Steve Canto to sign the form here as a witness and we'll ah, I'm going to start asking the questions now.

Mr. Charley, tonight what did you do? Did you - well put it this way. At some point did your brother come and pick you up or are you together at the house?

ANTHONY CHARLEY: Um, -

DET. O'BRIEN: Before coming to - you said you were going to Flanagan's -

ANTHONY CHARLEY: Right.

DET. O'BRIEN: - on Huntington Ave for a birthday party?

ANTHONY CHARLEY: (No response.)

DET. O'BRIEN: All right, how did you get there?

ANTHONY CHARLEY: My, brother came and picked me up.

DET. O'BRIEN: He picked you up?

ANTHONY CHARLEY: Yeah.

DET. O'BRIEN: When he picked you up, what car was he driving? Is it his car or somebody, else's, car?

ANTHONY CHARLEY: I believe it was a grey-car a (unintelligible), I think.

DET. O'BRIEN: Okay. Well he picked you up. Who else was in the car with him?

ANTHONY CHARLEY: Uh, -

DET. O'BRIEN: Was there anybody else in the car with him?

ANTHONY CHARLEY: When he picked me up?

DET. O'BRIEN: Yeah. He picked you up.

ANTHONY CHARLEY: No.

DET. O'BRIEN: All right, so he picked you up? How did the two females get in the car?

ANTHONY CHARLEY: We went to pick them up.

DET. O'BRIEN: Oh, you went to pick them up. Okay. So he picks you up, he's alone in the car and then you proceed to pick up the two females. Where do you go then?

ANTHONY CHARLEY: Flanagan's.

DET. O'BRIEN: Okay. What time did you get there? Just a guess. How - well, how long when you got there, how long did you stay at Flanagan's?

ANTHONY CHARLEY: 11:30?

DET. O'BRIEN: 11:30?

ANTHONY CHARLEY: 12:00.

DET. O'BRIEN: 11:30, 12:00 you get to Flanagan's and how long did you stay there?

ANTHONY CHARLEY: Till almost 2:00.

DET. O'BRIEN: 2:00, so you were there for about two hours and where did you park the car? Do you know?

ANTHONY CHARLEY: Um, -

DET. O'BRIEN: When you walked outside the club, where did you - which way did you go? You come out the door. Did you go left or right?

ANTHONY CHARLEY: Came out the door and I kind of went right.

DET. O'BRIEN: You went right?

ANTHONY CHARLEY: Yeah.

DET. O'BRIEN: And that's Huntington Ave out there. Did you walk down Huntington Ave?

ANTHONY CHARLEY: Yeah. I went right and we walked a couple of steps.

DET. O'BRIEN: All right. Now was the car parked on the same side as Flanagan's or did you cross the street?

ANTHONY CHARLEY: I crossed the street.

DET. O'BRIEN: You crossed the street?

ANTHONY CHARLEY: Yes.

DET. O'BRIEN: It's on the other side?

ANTHONY CHARLEY: (No response.)

DET. O'BRIEN: Okay. So you crossed the street and the car's parked what, a little way down the street?

ANTHONY CHARLEY: Yeah. A little bit.

DET. O'BRIEN: Okay. And you all get in the car? Where were you seated?

ANTHONY CHARLEY: In the back.

DET. O'BRIEN: Right behind your brother or behind -

ANTHONY CHARLEY: Behind the driver.

DET. O'BRIEN: Behind the driver. Who was sitting in the back seat with you?

ANTHONY CHARLEY: My girlfriend.

DET. O'BRIEN: And what's her name?

ANTHONY CHARLEY: Cicely.

DET. O'BRIEN: Cicely?

ANTHONY CHARLEY: Yeah. I call her Nonnie.

DET. O'BRIEN: You have to speak up so they can hear you.

ANTHONY CHARLEY: Nonnie. Nonnie.

DET. O'BRIEN: Nonnie? All right and who was the driver?

ANTHONY CHARLEY: My brother.

DET. O'BRIEN: Okay. And your brother is?

ANTHONY CHARLEY: Earl.

DET. O'BRIEN: And whose sitting up front with Earl?

ANTHONY CHARLEY: Popsie.

DET. O'BRIEN: Popsie, okay. Is that his girl or somebody he was with that night?

ANTHONY CHARLEY: That's his friend, yeah.

DET. O'BRIEN: That's his friend. All right. So you walk out of Flanagan's, you take a right but you walk across the trolley tracks to the other side of the street? You had to walk across the street?

ANTHONY CHARLEY: Yeah. I had to walk across the street.

DET. O'BRIEN: Okay. You walk across the street and your car's parked there?

ANTHONY CHARLEY: Yeah.

DET. O'BRIEN: And you get in the car and you told me how you were seated. What did you do now? What did Earl do? Did he drive straight down the street or did he make a u-turn?

ANTHONY CHARLEY: Actually - actually?

DET. O'BRIEN: Yeah.

ANTHONY CHARLEY: What I remember --

DET. O'BRIEN: Yeah.

ANTHONY CHARLEY: -- I don't - I don't know about no u-turn.

DET. O'BRIEN: Yeah.

ANTHONY CHARLEY: About nothing. I know that he was driving.

DET. O'BRIEN: You weren't driving?

ANTHONY CHARLEY: No.

DET. O'BRIEN: You don't have a license?

ANTHONY CHARLEY: No. No. No. I don't.

DET. O'BRIEN: Did you ever drive that car?

ANTHONY CHARLEY: No.

DET. O'BRIEN: Okay.

ANTHONY CHARLEY: He was driving.

DET. O'BRIEN: Yeah.

ANTHONY CHARLEY: He - I don't know if he did some sort of u-turn to go which ever way he was going.

DET. O'BRIEN: Okay.

ANTHONY CHARLEY: But he was driving and not -- as soon as he was driving um, we have got pulled over.

DET. O'BRIEN: All right. So as soon as you get in the car, what did it seem like thirty-seconds later you got pulled over?

ANTHONY CHARLEY: Something like that.

DET. O'BRIEN: Okay.

ANTHONY CHARLEY: Something like that.

DET. O'BRIEN: Well, I'm just trying to give you -

ANTHONY CHARLEY: Yeah. Yeah.

DET. O'BRIEN: - some time.

ANTHONY CHARLEY: I mean yeah.

DET. O'BRIEN: Quicker than that maybe? How far did you go

-

ANTHONY CHARLEY: I would think maybe thirty-seconds, probably.

DET. O'BRIEN: Okay. So you get pulled over. Were you

smoking marijuana in the car?

ANTHONY CHARLEY: No.

DET. O'BRIEN: No? Was there anybody - without naming

anybody, would it be fair to say that the car

had the aroma of marijuana in it?

ANTHONY CHARLEY: No.

DET. O'BRIEN: You couldn't smell any, marijuana?

ANTHONY CHARLEY: No. No. There was no marijuana.

DET. O'BRIEN: All right. All right. So you didn't see any

marijuana in the car?

ANTHONY CHARLEY: No. No.

DET. O'BRIEN: Did you see a firearm in the car?

ANTHONY CHARLEY: No.

DET. O'BRIEN: Did Earl ever tell you there was a firearm in

the car?

ANTHONY CHARLEY: No.

DET. O'BRIEN: Did you ever see Earl with a firearm?

ANTHONY CHARLEY: No.

DET. O'BRIEN: Okay. Did you ever see the girls with a
firearm?

ANTHONY CHARLEY: No.

DET. O'BRIEN: Okay. Did you ever touch the firearm that
they recovered in the car, you never saw the
firearm?

ANTHONY CHARLEY: No. I mean -

DET. O'BRIEN: Alright, so basically you get in the car -

ANTHONY CHARLEY: I mean, I'll take your word for it.

DET. O'BRIEN: All right, All right.

ANTHONY CHARLEY: If that's what they said.

DET. O'BRIEN: So my main thing is, you're there for two
hours. How much did you drink? You can put
that in there. We have people that pick it
up.

ANTHONY CHARLEY: Um, I had um two beers.

DET. O'BRIEN: But you understand you're not - you
understand what I'm asking. You're not too
drunk? You're not drunk?

ANTHONY CHARLEY: No. I had two Heineken's.

DET. O'BRIEN: Two Heineken's, all right. But you
understand how I'm asking the questions?
It's not like it's all - you're too drunk to
understand what's going on?

ANTHONY CHARLEY: No.

DET. O'BRIEN: Do you understand that there was a firearm recovered in the car?

ANTHONY CHARLEY: That's what I've been told.

DET. O'BRIEN: The police told you the firearm was recovered?

ANTHONY CHARLEY: Yeah. That's what I've been told.

DET. O'BRIEN: Okay. And that the police told you the charges were a firearm and some drugs in the car, all right?

ANTHONY CHARLEY: They told me there was a firearm.

DET. O'BRIEN: Okay.

ANTHONY CHARLEY: In the front.

DET. O'BRIEN: Okay. But as far as you know, the firearm is not yours and the marijuana, is not yours?

ANTHONY CHARLEY: No.

DET. O'BRIEN: Okay. So when your brother picked you up, where did he picked you up from your house? He lives there too right?

ANTHONY CHARLEY: No.

DET. O'BRIEN: Where does your broth - where does your brother live?

ANTHONY CHARLEY: I - I don't know where he lives.

DET. O'BRIEN: All right. He picked you up at 32 Bowdoin?

ANTHONY CHARLEY: Yeah.

DET. O'BRIEN: Okay. And where did you go to pick up the two females?

ANTHONY CHARLEY: River Street in Mattapan.

DET. O'BRIEN: River Street in Mattapan. And what time again did you get to the club about? You don't have to be exact. Within a half hour or so. What would you say?

ANTHONY CHARLEY: 12:00.

DET. O'BRIEN: You have to speak up.

ANTHONY CHARLEY: 12:00.

DET. O'BRIEN: 12:00? And you previously told me you were in there for two hours?

ANTHONY CHARLEY: Yeah.

DET. O'BRIEN: Okay. And when you left the door at Flanagan's you went towards the right and you crossed the street to the other side. And you got in the car and then -

ANTHONY CHARLEY: (No response.)

DET. O'BRIEN: You have to say yes or no.

ANTHONY CHARLEY: Yes. Yes.

DET. O'BRIEN: So you crossed the street.

ANTHONY CHARLEY: That's what I said.

DET. O'BRIEN: All right, I'm going to say this. I'm going to ask you each question you need to say yes or no. You left the barroom? You left the barroom with - together, two and two or however. All four of you left the barroom at 2:00?

ANTHONY CHARLEY: (No response.)

DET. O'BRIEN: You have to say it loud.

ANTHONY CHARLEY: Yes.

DET. O'BRIEN: And you went across the street to wherever Earl parked the car. It wasn't right in front of Flanagan's, right?

ANTHONY CHARLEY: No.

DET. O'BRIEN: It was on the other side of the street, a little ways down?

ANTHONY CHARLEY: Yes.

DET. O'BRIEN: Okay. And it was a grey car?

ANTHONY CHARLEY: Grey car.

DET. O'BRIEN: And you're not sure if you made a u-turn?

ANTHONY CHARLEY: No, I'm not sure about that.

DET. O'BRIEN: But at some point very quickly the police had pulled you over?

ANTHONY CHARLEY: Yes.

DET. O'BRIEN: Okay. And as far as you know you've never touched that firearm that the police say they recovered in the car?

ANTHONY CHARLEY: I don't know -

DET. O'BRIEN: And you had no knowledge of a firearm in the car. It that fair to say?

ANTHONY CHARLEY: Yes.

DET. O'BRIEN: Okay. And is that the truth as you know it? You told me you're not trying to protect

anybody?

ANTHONY CHARLEY: It's the truth.

DET. O'BRIEN: It's not your firearm?

ANTHONY CHARLEY: It's the truth.

DET. O'BRIEN: Is it your firearm?

ANTHONY CHARLEY: No.

DET. O'BRIEN: Okay. It's not your girl's firearm, right?

ANTHONY CHARLEY: Yeah.

DET. O'BRIEN: Do you have any, questions Officer Canto?

OFF. CANTO: No.

DET. O'BRIEN: It's 3:54, on September 28th. I'm going to conclude this interview of one Anthony Charley.

(Whereupon, at 3:54 a.m. the interview was concluded.)